

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL FREEMAN MCLEARY	:	CIVIL ACTION
	:	
v.	:	No. 15-6524
	:	
TAMMY FERGUSON, et al.	:	

**ORDER**

AND NOW, this 29th day of June, 2017, upon careful and independent consideration of Petitioner Michael Freeman McLeary's Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254, and after de novo review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa and McLeary's objections thereto, it is ORDERED:

1. McLeary's objections (Document 31) are OVERRULED<sup>1</sup>;
2. The Report and Recommendation (Document 26) is APPROVED and ADOPTED;
3. McLeary's Petition for Writ of Habeas Corpus (Document 1) is DENIED; and
4. There has been no substantial showing of the denial of a constitutional right warranting the issuance of a certificate of appealability.

The Clerk of Court is directed to mark this case CLOSED.

BY THE COURT:

/s/ Juan R. Sánchez  
Juan R. Sánchez, J.

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<sup>1</sup> In her Report and Recommendation (R&R), Judge Caracappa recommends denial of McLeary's habeas petition on the basis of procedural default. On February 14, 2017, McLeary filed objections to the R&R, which are wholly unintelligible and in no way address the merits of his claim or the R&R. In any event, because the Court agrees with the R&R that McLeary's claims are procedurally defaulted, it will overrule the objections and deny the petition.